R. O. C. No. 91/48/L. A.

NOTIFICATION.

The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the President, under Rules 26 of the Travancore Legislative Assembly Rules.

Assembly Office,
Trivandrum, 3rd July 1948. V. KRISHNAMOORTHI AIYAR,
Secretary to the Legislative Assembly.

THE TRAVANCORE PROHIBITION BILL.

A Bill to introduce and extend the prohibition of the manufacture, sale, and consumption of intoxicating liquors and drugs in Travancore.

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THE TRAVANCORE PROHIBITION BILL.

A Bill to introduce and extend the prohibition of the manufacture, sale, and consumption of intoxicating liquors and drugs in Travancore.

Preamble.

Whereas it is expedient as early as possible to bring about the prohibition, except for medicinal, scientific, industrial or such like purposes, of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of intoxicating liquors and drugs in Travancore;

And whereas it is desirable to give effect to the above mentioned policy by introducing it in certain selected areas in Travancore, and utilising the experience gained therein for extending it to the other areas thereof;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Travancore Prohibition* Act, 1124.

(2) It extends to the whole of Travancore.

(3) (*a*) This Section and Sections 7 and 11 shall come into force in the whole of Travancore at once.

(*b*) The rest of this Act shall come into force—

(i) in the Taluks of Thovala, Agasteeswaram, Kalkulam, Vilavancode, Neyyattinkara and Shencottah, at once, and

(ii) in any other local area in Travancore on such date as Our Government may, by notification, appoint.

Power of Government to suspend the operation of the Act.

2. Notwithstanding anything contained in sub-section (3) of Section 1, Our Government may, by notification in Our Government Gazette and with effect from such date as may be specified therein, suspend the operation of the provisions of this Act (except Sections 1, 7 and 11) in all or any of the local areas, in which the said provisions are in force.

Effect of notification under Section 2.

3. Where a notification is issued in respect of any local area under Section 2—

(*a*) the enactments mentioned in the Schedule with any subsequent modifications thereof shall revive and come into force in such local area on the date on which the notification aforesaid takes effect therein;

(b) all rules made and notifications issued under the Abkari Act (IV of 1073) and in force immediately before the date referred to in clause (a) in any local area specified by Our Government, shall come into force in such local area on the date referred to in clause (a) with such modifications as Our Government may direct ;

(c) Our Government shall have power before the date referred to in clause (a) to make rules and issue notifications under the Abkari Act aforesaid for such local area or any part thereof, and to direct that such rules and notifications shall, notwithstanding anything contained in Section 65 of the Abkari Act aforesaid come into force in such local area or part, as the case may be, on the date referred to in clause (a).

Power of Government to cancel notification issued under Section 2.

4. Our Government shall have power, by notification in Our Government Gazette, to cancel any notifications issued by them under Section 2 and upon such cancellation the provisions of the said Act of which the operation had been suspended with any subsequent statutory modifications thereof, shall revive and come into force in the local area concerned.

Act not to apply to storage, export etc., of spirit or jaggery arrack from Government distillery and warehouse at Nagercoil.

5. Notwithstanding anything contained in this Act, spirit or jaggery arrack shall continue to be distilled in Our Government distillery at Nagercoil in the Agasteeswaram Taluk and stored in the Warehouse attached to the said distillery and continue to be exported, transported or sold from the said Ware-house as if the provisions of this Act had not come into force in the areas specified in clause (i) of sub-clause (b) of sub-section (3) of Section 1; and such storage, export, transport and sale shall continue to be governed by the enactments mentioned in the Schedule with such subsequent statutory modifications as may be made in those enactments and by the rules, orders and notifications made or issued under those enactments and for the time being in force.

Repeals.

6. From the date on which the provisions of this Act other than Sections 1, 7 and 11 come into force in any local area, the enactments mentioned in the Schedule shall cease to be in force in such area to the extent specified in the fourth column thereof:

Provided that Our Government may, by notification, declare that the provisions of this Act other than Sections 1, 7 and 11 shall cease to be in force in any local area on such dates as may be specified in the notification; and thereupon the enactments mentioned in the Schedule with any subsequent statutory modifications thereof shall revive and come into force in such area with effect on and from such date.

7. In this Act, unless there is something repugnant in the subject or context—

Definitions.

(1) "bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or pot or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes re-bottling;

(2) "buy" or "buying" includes any receipt including gift;

(3) "Commissioner" means the officer appointed under clause (a) of Section 32;

(4) "cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed;

(5) "export" means—

(a) to take out of any local area to which this Act applies to any other local area in Travancore to which this Act has not been extended, or

(b) to take out of Travancore otherwise than across a Customs frontier or Excise out-post;

(6) "import" means—

(a) to bring into any local area to which this Act applies from any other local area in Travancore to which this Act has not been extended, or

(b) to bring into Travancore, otherwise than across a Customs frontier or Excise out-post;

(7) "intoxicating drug" means—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (Cannabis Sativa L) including all forms known as, bhang, siddhi or ganja;

(ii) charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug, or any drink prepared therefrom; and

(iv) any other intoxicating or narcotic substance which Our Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug;

(8) "liquor" includes toddy, spirits of wine, methylated spirits, spirits, wine, beer and all liquid consisting of or containing alcohol;

(9) "local body" means the Corporation of Trivandrum, any municipality constituted under the Travancore District Municipalities Act, 1116, any village panchayat constituted under the Travancore Village Panchayat Act, 1100, or any village union constituted under the Travancore Village Unions Act, 1115;

(10) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended, and also re-distillation and every process for the rectification of liquor;

(11) "manufactured drug,' includes—

(i) all coca derivatives, medicinal hemp and opium derivatives; and

(ii) any other narcotic substances which Our Government may by notification declare to be a manufactured drug; but does not include any preparation which Our Government may by notification declare not to be a manufactured drug;

(12) "Peishkar" means the Division Peishkar or any person appointed under clause (*b*) of Section 32 to exercise all or any of the powers or to perform all or any of the duties of a Peishkar under this Act;

(13) "notification" means a notification by Our Government published in Our Government Gazette;

(14) "place" includes also a house, shed, enclosure, building, shop, tent and vessel;

(15) "Police Station" includes any place which Our Government may, by notification, declare to be a police station for the purposes of this Act;

(16) "Prohibition Officer" means a Commissioner, a Peishkar or any officer or other person lawfully appointed or invested with powers under Section 32;

(17) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

(18) "sale" or selling" includes any transfer including gift;

(19) "spirits,' means any liquor containing alcohol and obtained by distillation (whether it is denatured or not);

Explanation:—"denatured" means subjected to a process prescribed by Our Government by notification for the purpose of rendering unfit for human consumption;

(20) "sweet toddy" means juice drawn from cocoanut, palmyra, date or any other kind of palm tree into receptacles treated so as to prevent any fermentation;

(21) "toddy" means the fermented or unfermented juice drawn from coconut, palmyra, date or any other kind of palm tree;

(22) "transport" means to move from one place to another within any local area to which this Act applies; and

(23) any reference to a permit generally or to a permit granted under Section 25, 26 or 27 shall be construed as including a reference to an "authority" issued under Section 22.

CHAPTER II.

PROHIBITIONS AND PENALTIES.

Prohibition of the manufacture or, traffic in, and consumption of, liquors and intoxicating drugs.

8. (1) whoever:—

(a) imports, exports, transports or possesses liquor or any intoxicating drug; or

(b) manufactures liquor or any intoxicating drug; or

(c) except in accordance with the rules made by Our Government in that behalf, cultivates the hemp plant (Cannabis Sativa): or collects any portion of such plant from which an intoxicating drug can be manufactured; or

(d) taps any toddy—producing tree or permits or suffers to be tapped any toddy—producing tree belonging to him or in his possession; or

(e) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or

(f) constructs or works any distillery or brewery; or

(g) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug; or

(h) bottles any liquor for purposes of sale; or

(i) sells liquor or any intoxicating drug; or

(j) consumes or buys liquor or any intoxicating drug; or

(k) allows any of the acts aforesaid upon premises in his immediate possession, shall be punished—

(i) in the case of an offence falling under clause *(b)*, clause *(f)*, clause *(g)*, clause *(h)* or clause *(i)*, or an offence falling under clause *(k)* in so far as it relates to an act specified in any of the clauses aforesaid, with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees or with both; and

(ii) in any other case, with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both:

Provided that nothing contained in this sub-section shall apply to any act done under, and in accordance with, the provisions of this Act or the terms of any rule, notification, order, licence or permit issued thereunder.

(2) It shall be presumed until the contrary is shown—

(a) that a person accused of any offence under clauses *(a)* to *(j)* of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or

any intoxicating drug, for the possession of which he is unable to account satisfactorily; and

(b) that a person accused of any offence under clause (k) of sub-section (1) has committed such offence if an offence is proved to have been committed in premises in his immediate possession in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug.

Punishment for being found in a state of intoxication

9. Whoever is found in a state of intoxication in any public place and whoever not having been permitted to consume any intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Punishment for rendering or attempting to render denatured spirits fit for human consumption.

10. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in Travancore or not, which has been denatured or has, in his possession, any spirit in respect of which he knows or has reason to believe that any such attempt has been made shall be punished with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

For the purpose of this Section it shall be presumed, until the contrary is proved, that any spirit which is proved on the chemical analysis to contain any quantity of any of the prescribed denaturants is or contains or has been derived from denatured spirit.

Prohibition of advertisements.

11. Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug, other than liquor or drugs exempted under Section 21, shall be punished with fine which may extend to one thousand rupees;

Provided that this Section shall not apply—

(a) to plain catalogues and price lists which may be generally or specially approved by the Commissioner; or

(b) to advertisements in medical journals or to notices and literature circulated exclusively to members of the medical profession if such advertisements, notices or literature relate to any liquor or intoxicating drug which has been specially approved as of medicinal value—

(i) by the Medical Council established by the Travancore Medical Practitioners Act, 1119; or

(ii) by any other Medical Council which has been established under any law for the time being in force in any Province in the Dominion of India or in any Indian State or which has been recognised by the Government of such Province or State; or

(iii) by such authority in respect of Indian Medicine as may be notified by Our Government;

(c) to the normal circulation within Travancore of newspapers, periodicals and books printed and published in accordance with law outside Travancore; or

(d) to any advertisement contained in a newspaper printed and published in Travancore before the first day of Chingom 1124.

Punishment for conspiracy.

12. When two or more persons agree—

(a) to commit or cause to be committed any offence under sub-section (1) of Section 8 or under Section 10; or

(b) to evade or nullify the provisions of this Act in any area where it is in force, each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof or that the agreement was made or the operations thereunder took place in an area to which this Act has not been extended, be punished with imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both.

Punishment for vexatious search or arrest

13. Any officer or person exercising powers under this Act, who—

(a) without reasonable ground of suspicion enters or searches or causes to be searched, any closed place; or

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) maliciously and falsely lays information leading to a search, seizure, detention or arrest; or

(e) in any other way maliciously exceeds his lawful powers, shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for vexatious delay.

14. Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to a Prohibition Officer or to the officer in charge of the nearest police station as required by Section 45, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

15. Any officer or person exercising powers under this Act who—

Punishment for abetment or escape of persons arrested, etc.

(a) unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act; or

(b) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken; and

any other officer of Our Government or of a local body who abets the commission of any offence against this Act,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees or with both.

16. Whoever is guilty of any wilful act or intentional omission in contraventiou of any of the provisions of this Act, or of any rule, notification or order made thereunder, and not otherwise provided for in this Act, shall be punished with fine which may extend to two hundred rupees.

Punishment for offences not otherwise provided for.

17. Where any offence against this Act is committed in any area to which it has been extended, whoever commits, or attempts to commit, or abets the commission of, any of the acts making up the offence, shall be liable to be punished therefor, whether such commission, attempt or abetment takes place within or outside such area.

Punishment for abetment of offence against Act in area to which Act is not extended.

18. In any case in which an offence has been committed against this Act, the liquor, drug, materials, still, utensil, implement, or apparatus in respect or by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts, or other vehicles used to hold or carry the same.

Things liable to confiscation.

19. (1) When the offender is convicted or when the person charged with an offence against this Act is acquitted, but the Court decides that anything is liable to confiscation, such confiscation may be ordered by the Court.

Confiscation how ordered.

(2) When an offence against this Act has been committed but the offender is not known, or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Peishkar or other Prohibition Officer in charge of the Division or by any other officer authorised by Our Government in that behalf, who may order such confiscation,

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

Offences under Act to be cognizable.

20. All offences under this Act shall be cognizable and the provisions of the Code of Criminal Procedure, 1117 with respect to cognizable offences shall apply to them.

CHAPTER III.

Exemptions and licences.

Power to notify exemptions.

21. (1) Our Government may, by notification and subject to such conditions as they think fit, exempt any specified liquor or intoxicating drug, or article containing such liquor or drug from the observance of all or any of the provisions of this Act on the ground that such liquor, drug or article is required for a medicinal, scientific, industrial or such like purpose.

(2) When issuing a notification under sub-section (1) Our Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Authorities to *bona-fide* religious purposes.

22. Our Government shall make suitable provision for issuing 'Authorities' to persons and institutions for the possession or use of such liquor as may be required by them for any *bonafide* religious purpose in accordance with ancient custom under such terms and conditions and penalties for infringement as may be prescribed.

Exemption of *bona-fide* travellers and lawful consignments.

23. Until Our Government by notification otherwise direct, the provisions of this Act shall not be deemed to apply—

(*a*) to liquor in the possession of *bona-fide* travellers for their own personal use while passing through any local area in which this Act is in force; or

(*b*) to lawful consignments of liquor or intoxicating drugs carried through or into any such local area.

Exemption of members of State Forces.

24. (1) Our Government may, by notification and subject to such conditions as they think fit, exempt members of Our State Forces and the members of the medical or other staff attached to the forces aforesaid, from all or any of the provisions of this Act.

(2) When issuing a notification under sub-section (1), Our Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Licences for *bona fide* medicinal or other purposes.

25. Our Government, or subject to the control of Our Government, the Peishkar, may issue licences to any person or in respect of any institution, whether under the management of Our Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, intoxicating drug or article containing such liquor or drug, on the ground that such liquor, drug or article is required by such person or in respect of such institution for a *bonafide* medicinal, scientific, industrial or such like purpose.

Licences for tapping for sweet toddy, etc.

26. Subject to the control of Our Government, the Peishkar or any officer empowered by him may issue—

(*a*) licences for the tapping of any trees for sweet toddy for consumption thereof without fermentation or for the manufacture of jaggery therefrom, or

(*b*) permits for the possession, transport or sale of such toddy.

Permits and licences.

27. Our Government or any officer empowered by them in this behalf may issue—

(*a*) permits authorising any person to consume and possess for personal consumption any liquor or intoxicating drug;

(*b*) licences to any institution to possess liquor and issue it to such of its members as hold permits under clause (*a*);

(*c*) licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to *bona-fide* passengers travelling by the train; and

(*d*) licences to any person to possess liquor and issue it to those holding permits or licences under this Act.

Form and conditions of licences and permits.

28. Every licence or permit granted under Section 25, 26 or 27 shall—

(1) be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions; and

(2) be in such form and contain such particulars as Our Government may direct either generally or in any particular case.

Counterpart agreement to be executed by licencees.

29. Every person taking out any licence or permit under Section 25, 26 or 27 may be required to execute a counter part agreement in conformity with the tenor of his licence or permit, and to give such security for the performance of his agreement as the Peishkar may require.

30. (1) The Peishkar may cancel or suspend any such licence or permit—

Power to cancel or suspend licences and permits.

(a) if any fee payable by the holder thereof be not duly paid; or

(b) in the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, or any of the terms or conditions of such licence or permit; or

(c) if the holder thereof is convicted of any offence against this Act, or of any cognizable and non-bailable offence; or

(d) if the conditions of such licence or permit provide for its cancellation or suspension at will; or

(e) if the purpose for which the licence or permit is granted ceases to exist.

(2) Our Government may cancel or suspend any such licence or permit without assigning the aforesaid or any other reasons.

31. In the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit, such holder shall, in addition to the cancellation or suspension of the licence or permit granted to him, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach.

Penalty for breach of the conditions of licences and permits.

Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

CHAPTER IV.

ESTABLISHMENT AND CONTROL.

32. Our Government may, from time to time by notification—

Appointment of officers and withdrawal of powers.

(a) appoint an officer to exercise all the powers of a Commissioner under this Act in all local areas in which it is in force and to have the control of the administration of the provisions of this Act in such areas;

(b) appoint any person other than the Peishkar to exercise within a Division all or any of the powers and to perform all or any of the duties of a Peishkar under this Act, either concurrently with or in exclusion of the Peishkar, subject to such control as Our Government may from time to time direct;

(c) withdraw from the Commissioner or the Peishkar any or all of the powers conferred on him by this Act;

(d) appoint, paid or honorary officers with such designations, powers, and duties as Our Government may think fit;

(e) order that all or any of the powers and duties assigned to any person under clause (d) shall be exercised and performed by any existing Government official or any other person; and

(f) delegate to any Prohibition Officer all or any of their powers under this Act.

Prohibition Committee.

33. (1) The Peishkar or other Prohibition Officer in charge of a Division may constitute prohibition committees in every taluk thereof to assist him in carrying out the objects of this Act in the Division.

(2) Every member of a prohibition committee shall observe the working of this Act in his taluk and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit, to the Peishkar or other Prohibition Officer aforesaid.

(3) Every member of a prohibition committee shall be entitled to give information at any police station in his taluk regarding the commission or suspected commission of any offence against this Act in such taluk, and the officer in charge of such station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, 1117.

Power of Government to authorise officers to admit persons arrested to bail.

34. Our Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers, or classes of officers or persons, mentioned in Section 39 throughout the State or in any local area, to admit a person arrested under that Section to bail to appear, when summoned or otherwise directed, before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.

CHAPTER V.

POWERS, DUTIES AND PROCEDURE OF OFFICERS, ETC.

Issue of search warrants.

35. If any Peishkar, Prohibition Officer or Magistrate upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under sub-section (1) of Section 8 has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement

or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act:

Provided that every person arrested under this Section shall be admitted to bail by the person arresting if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Before issuing such warrant, the Peishkar, Prohibition Officer or Magistrate shall examine the informant on oath and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Peishkar, Prohibition Officer or Magistrate.

Powers of entry and search without warrant.

36. Whenever a Peishkar, any Prohibition Officer not below such rank as Our Government may determine, any Police Officer not below the rank of Inspector, any officer in charge of a police station, or any other paid or honorary officer authorised by Our Government in this behalf has reason to believe that an offence under sub-section (1) of Section 8 has been committed, and that the delay occasioned by obtaining a search warrant under Section 35 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act:

Provided that every person arrested under this Section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Power to enter and inspect places of manufacture and sale.

37. The Peishkar, any Prohibition Officer not below such rank as Our Government may determine, or any Police or other paid or honorary officer authorised by Our Government in this behalf, may enter and inspect, at any time by day or by night, any place in which it is reasonably suspected that any person draws toddy or carries on the manufacture of any other liquor or any intoxicating drug, or stores any liquor or intoxicating drug; and may enter and inspect, at any time any place in which any liquor or intoxicating drug is reasonably suspected to be kept for sale by any person, and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.

38. If any officer empowered to make an entry under Section 35, 36 or 37 cannot otherwise make such entry it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

Power to use force in case of resistance to entry.

39. Any Prohibition Officer, any officer of the Police or Land Revenue Departments and any other person authorised in that behalf—

Arrest of offenders and seizure of contraband liquor and articles without warrant.

(*a*) may arrest without warrant any person found committing an offence punishable under sub-section (1) of Section 8;

(*b*) may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act; and

(*c*) may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom or in or upon which, he may have reasonable cause to suspect any such liquor, drug or other article to be, or to be concealed:

Provided that if the officer or person making the arrest under this Section be not empowered under Section 34 to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered, if such an officer is known to be within a distance of five miles from the place where such arrest took place. And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the case.

40. Any person, who may be accused or reasonably suspected of committing an offence against this Act, and who on demand made by any Prohibition Officer or any officer of the Police or Land Revenue Departments or by any other person authorised in that behalf refuses to give his name and residence or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Arrest of persons refusing to give name or giving false name.

41. All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1117.

Searches how to be made.

42. Officials of all departments of Our Government and of all local bodies shall be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of this Act.

Duty of officials of all departments and local bodies to assist.

Offence to be reported, etc.

43. Every official employed by Our Government or by any local body, other than a Police or Pohibition Officer, shall be bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Landholders and others to give information

44. All landholders, proprietors, tenants, sub-tenants and cultivators who own or hold land or house-property on or in which there shall be any tapping for toddy or manufacture of liquor or intoxicating drugs shall in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to an officer of the Police or Land Revenue Departments immediately the same shall have come to their knowledge.

Persons arrested how to be dealt with.

45. (1) When any person is arrested under the provisions of Section 35, 36, 39 or 40 the person arresting him shall, unless bail shall have been accepted under the provisions of Section 35, 36 or 39 forthwith forward him to the nearest police station or to a Prohibition Officer, with a report of the circumstances under which such arrest was made.

Procedure of Police Station Officer.

(2) On any of such person being brought to a Police Station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned, before himself, or before the Prohibition Officer if any, or any Police Officer within the limits of the jurisdiction of which Prohibition or Police Officer, the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

Procedure of Police and Prohibition Officer empowered to inquire.

(3) On any such person being brought in custody before a Prohibition or Police Officer as aforesaid or appearing before such officer on bail or when such officer as aforesaid has himself made the arrest such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to or admit him to bail to appear before the Magistrate having jurisdiction to inquire into or try the case:

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such officer, he shall, if sufficient bail be tendered for the appearance of the person arrested, admit such person to bail to appear on any subsequent day before himself or any other officer having jurisdiction to inquire into the case.

Persons arrested to be admitted to bail.

46. It shall be the duty of any officer arresting any person under the powers conferred by Section 35 or 36 and of any officer in charge of a police station or any Police or Prohibition Officer before whom a person arrested is brought or appears under the provisions of Section 45 to release such person on bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or before a Magistrate as the case may be.

Bond of accused and sureties.

47. (1) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper, shall be executed by such person, and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Police or Prohibition Officer before whom he was bailed to attend, or by the Magistrate, as the case may be:

Provided that the officer admitting any such person to bail may in his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

(2) Our Government shall from time to time determine the form of the bond to be used in any local area.

Procedure in case of default of person admitted to bail to appear before Prohibition Officer.

48. When by reason of default of appearance of a person bailed to appear before a Police or Prohibition Officer, such Officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to inquire into or try the offence of which the person bailed was accused, and the Magistrate shall proceed to enforce the payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, 1117, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Power of Police or Prohibition Officer ...

49. Any Police or Prohibition Officer holding an inquiry in the manner provided in Section 45 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control:

Provided that no such officer shall so summon any person to appear before him if the journey to be made for complying with such summons exceeds ten miles by road or fifty miles by rail or such other limits as Our Government may fix.

50. Every summons issued under Section 49 shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said officer at a stated time and place.

Examination of witnesses.

51. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced to writing and shall be signed by such officer.

When attendance of witnesses to be dispensed with and procedure in such cases.

52. It shall be lawful for a Police or Prohibition Officer, instead of summoning to appear before him any person, who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person, and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of Section 51 shall apply to such answers.

Powers of Police or Prohibition Officer to summon suspected persons.

53. Any Police or Prohibition Officer may, after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act. On such person appearing before such officer, the procedure prescribed by Sections 45 to 52 shall become applicable.

The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by Sections 49 to 52 before summoning the person suspected.

Law relating to criminal courts as to summoning of witnesses to apply.

54. The law for the time being in force as to summonses and compelling the attendance of persons summoned in criminal courts shall, so far as the same may be applicable, apply to any summons issued by a Police or Prohibition Officer and to any person summoned by him to appear under the provisions of this Act.

Report of Police or Prohibition Officer to give jurisdiction to competent Magistrate.

55. When a Police or Prohibition Officer forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be

acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure, 1117.

Powers of Police and Prohibition Officers to cause attendance of witnesses before Magistrate.

56. When a Police or Prohibition Officer forwards in custody any person accused of an offence against this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure, 1117, on an officer in charge of a police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Accused not to be detained in custody for a longer period than twenty-four hours without special authority.

57. No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where a Police or Prohibition Officer may be and from thence to the Court having jurisdiction to try the case.

Police to take charge of articles seized.

58. All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Act which may be delivered to them, and shall allow any Prohibition Officer who may accompany such articles to the police station or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

Power of District Magistrate to transfer cases.

59. The District Magistrate shall have power to transfer any case under this Act pending inquiry or trial before any Magistrate or Officer in the District to any other Magistrate or officer therein.

Operation of the Code of Criminal Procedure, 1117.

60. Nothing contained in this Act shall affect the operation of the Code of Criminal Procedure, 1117.

CHAPTER VI.

RULES AND NOTIFICATIONS.

Power to make rules

61. (1) Our Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, Our Government may make rules—

(a) for the issue of licences and permits and the enforcement of the conditions thereof;

(b) prescribing the powers to be exercised and the duties to be performed by paid and honorary Prohibition Officers in furtherance of the objects of this Act;

(c) determining the local jurisdiction of Police and Prohibition Officers in regard to inquiries and the exercise of preventive and investigating powers;

(d) authorising any officer or person to exercise any power or perform any duty under this Act;

(e) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports;

(f) regulating the delegation by the Commissioner or by Peishkars or other Division Officers of any powers conferred on them by or under this Act;

(g) regulating the cultivation of the hemp plant, the collection of those portions of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom;

(h) declaring how denatured spirit shall be manufactured;

(i) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Act or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith;

(j) for the grant of batta to witnesses, and of compensation for loss of time to persons released under sub-section (2) of Section 42 on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;

(k) regulating the power of Police and Prohibition Officers to summon witnesses from a distance under Section 49; and

(l) for the disposal of articles confiscated and of the proceeds thereof.

Publication of rules and notifications.

62. All rules made, and notifications issued, under this Act shall be published in Our Government Gazette and upon such publication, shall have effect as if enacted in this Act.

CHAPTER VIII.

LEGAL PROCEEDINGS.

Actions against Government.

63. No action shall lie against Our Government or against any Prohibition, Police or other officer, for damages in any civil court for any act *bona-fide* done or ordered to be done in pursuance of this Act.

Courts to take judicial notice of appointments.

64. All Courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act.

SCHEDULE.

(See Section 6.)

Year.	*No.*	*Short title or subject*	*Extent of repeal*
1073	IV	The Abkari Act	The whole.
1074	IV	The Abkari (Amendment) Act	do.
1104	I	The Abkari (Amendment) Act	do.
1114	VI	The Abkari (Amendment) Act	do.
1118	XXI	The Abkari (Amendment) Act	do.

STATEMENT OF OBJECTS AND REASONS.

Government have decided to introduce prohibition in the Taluks of Thovala, Agasteeswaram, Kalkulam, Vilavancode, Neyyattinkara and Shencottah from the beginning of the year 1124 as an experimental measure. The Bill is intended to implement this decision and is adapted on the lines of the Madras Prohibition Act.

Provision is made in the Bill for bringing the same into force in any local area and also for suspending the operation of the provisions thereof in any local area in which they are in force.

C. KESAVAN.